

Message Text

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

EB-07 COME-00 TRSE-00 STR-04 OIC-02 DOTE-00 SS-15

SP-02 H-02 NSC-05 CIAE-00 DODE-00 INR-07 NSAE-00

PA-01 USIA-06 PRS-01 OES-06 /118 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC 962

LIMITED OFFICIAL USE SECTION 1 OF 2 USUN 5486

E.O. 11652: N/A

TAGS: UNGA,PFOR, UNCITRAL

SUBJ:SIXTH COMMITTEE (LEGAL) - UNCITRAL

REF: USUN 5205

1. DELOFF RECEIVED TWO DRAFT RESOLUTIONS ON NOVEMBER 19 RE UNCITRAL REPORT. FIRST RESOLUTION ENDORSES USE OF UNCITRAL ARBITRATION RULES AND IS BEING CIRCULATED BY SECRETARIAT OF COMMITTEE. SECOND RESOLUTION CALLS FOR CONVENING OF A CONFERENCE OF PLENIPOTENTIARIES ON CARRIAGE OF GOODS AT SEA. IT IS BEING CIRCULATED BY PHILIPPINES. DELOFF PREVIOUSLY POUCHED DRAFT RESOLUTION, PREPARED BY CHAIRMAN OF UNCITRAL, ON CARRIAGE OF GOODS AT SEA TO AMBASSADOR KEARNEY (L) (REFTEL).

2. DELOFF REQUESTS AUTHORIZATION TO CO-SPONSOR ALL THREE RESOLUTIONS, BUT PARTICULARLY TWO RESOLUTIONS RECEIVED NOVEMBER 19.

QUOTE

DRAFT RESOLUTION ON THE UNCITRAL ARBITRATION RULES

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THE GENERAL ASSEMBLY,

RECOGNIZING THE VALUE OF ARBITRATION AS A METHOD OF SETTling
DISPUTES ARISING IN THE CONTEXT OF INTERNATIONAL COMMERCIAL
RELATIONS,

BEING CONVINCED THAT THE ESTABLISHMENT OF RULES FOR AD HOC
ARBITRATION THAT ARE ACCEPTABLE IN COUNTRIES WITH DIFFERENT
LEGAL, SOCIAL AND ECONOMIC SYSTEMS WOULD SIGNIFICANTLY
CONTRIBUTE TO THE DEVELOPMENT OF HARMONIOUS ECONOMIC
RELATIONS BETWEEN PEOPLES,

BEARING IN MIND THAT THE UNCITRAL ARBITRATION RULES HAVE
BEEN PREPARED AFTER FULL CONSULTATION WITH
ARBITRAL INSTITUTIONS AND CENTRES OF INTERNATIONAL COMMERCIAL
ARBITRATION,

NOTING THAT THE UNCITRAL ARBITRATION RULES WERE ADOPTED BY
THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE
LAW AT ITS NINTH SESSION (1976) AFTER EXTENSIVE
DELIBERATION,

1. RECOMMENDS THE USE OF THE UNCITRAL ARBITRATION RULES IN
THE SETTLEMENT OF DISPUTES ARISING IN THE CONTEXT OF
INTERNATIONAL COMMERCIAL RELATIONS, PARTICULARLY BY REFERENCE
TO THE UNCITRAL ARBITRATION RULES IN COMMERCIAL CONTRACTS;

2. REQUESTS THE SECRETARY-GENERAL TO ARRANGE FOR THE
WIDEST POSSIBLE DISTRIBUTION OF THE UNCITRAL
ARBITRATION RULES.

UNQUOTE

QUOTE

DRAFT RESOLUTION ON THE REPORT OF THE UNITED NATIONS
COMMISSION ON INTERNATIONAL TRADE LAW ON THE WRK OF ITS
NINTH SESSION

THE GENERAL ASSEMBLY,

HAVING CONSIDERED THE REPORT OF THE UNITED NATIONS COMMISSION
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ON INTERNATIONAL TRADE LAW ON THE WORK OF
ITS NINTH SESSION,

RECALLING ITS RESOLUTION 2205(XXI) OF 17 DECEMBER 1966,
BY WHICH IT ESTABLISHED THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW AND DEFINED THE OBJECT AND TERMS
OF REFERENCE OF THE COMMISSION, AND ITS RESOLUTION 3108 (XXVIII)
OF 12 DECEMBER 1973, BY WHICH IT INCREASED THE MEMBERSHIP

OF THE COMMISSION, AS WELL AS ITS PREVIOUS RESOLUTIONS
CONCERNING THE REPORTS OF THE COMMISSION ON THE WORK OF ITS
ANNUAL SESSIONS,

RECALLING ALSO ITS RESOLUTIONS 3201 (S-VI) AND 3202
(S-VI) OF 1 MAY 1974, 3281 (XXIX) OF 12 DECEMBER 1974
AND 3362 (S-VII) OF 16 SEPTEMBER 1975,

REAFFIRMING ITS CONVICTION THAT THE PROGRESSIVE
HARMONIZATION AND UNIFICATION OF INTERNATIONAL TRADE LAW,
IN REDUCING OR REMOVING LEGAL OBSTACLES TO THE FLOW OF
INTERNATIONAL TRADE, ESPECIALLY THOSE AFFECTING THE DEVELOPING
COUNTRIES, WOULD SIGNIFICANTLY CONTRIBUTE TO UNIVERSAL
ECONOMIC CO-OPERATION AMONG ALL STATES ON A BASIS OF
EQUALITY AND TO THE ELIMINATION OF DISCRIMINATION IN
INTERNATIONAL TRADE AND, THEREBY, TO THE WELL-BEING OF ALL
PEOPLES,

NOTING WITH APPRECIATION THAT THE COMMISSION HAS COMPLETED,
OR SOON WILL COMPLETE, WORK ON MANY OF THE PRIORITY ITEMS
INCLUDED IN ITS PROGRAMME OF WORK,

NOTING FURTHER THAT, UNDER RESOLUTIONS 2205 (XXI) OF 17
DECEMBER 1966 AND RESOLUTION 3108 (XXVIII) OF 12 DECEMBER
1973, A STATE ELECTED AS A MEMBER OF THE COMMISSION TAKES
OFFICE ON 1 JANUARY OF THE YEAR FOLLOWING ITS ELECTION,
AND THAT ITS TERM OF OFFICE EXPIRES ON 31 DECEMBER OF THE LAST
YEAR OF THE PERIOD FOR WHICH IT WAS ELECTED,

BEARING IN MIND THAT MUCH OF THE SUBSTANTIVE WORK OF THE
COMMISSION IS CARRIED OUT IN ITS WORKING GROUPS WHICH USUALLY
MEET DURING THE MONTHS OF JANUARY AND FEBRUARY PRIOR TO
THE REGULAR ANNUAL SESSION OF THE COMMISSION. AND THAT
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INCONVENIENCE IS CAUSED TO THE WORK OF THE COMMISSION
BECAUSE VACANCIES OCCURRING IN THE MEMBERSHIP OF WORKING
GROUPS AS AT 31 DECEMBER CANNOT BE FILLED TILL THE NEXT REGULAR
ANNUAL SESSION OF THE COMMISSION,

TAKING INTO ACCOUNT THE FACT THAT GOVERNMENTS OF STATES
WHICH ARE NOT MEMBERS OF THE UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW HAVE ON OCCASION EXPRESSED THE
WISH TO ATTEND SESSIONS OF THE COMMISSION AND OF ITS WORKING
GROUPS AS OBSERVERS, AND THE OPINION OF THE UNITED NATIONS
COMMISSION ON INTERNATIONAL TRADE LAW
EXPRESSED IN PARAGRAPH 74 OF ITS REPORT ON THE WORK OF ITS
NIGHT SESSION THAT IT IS IN THE INTEREST OF THE COMMISSION'S
WORK THAT SUCH STATES, NOT MEMBERS OF THE COMMISSION,
BE GIVEN THE OPPORTUNITY TO PARTICIPATE IN THE WORK OF THE

COMMISSION AS OBSERVERS,

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ACTION L-03

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

EB-07 COME-00 TRSE-00 STR-04 OIC-02 DOTE-00 SS-15

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R 200205Z NOV 76

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TO SECSTATE WASHDC 963

LIMITED OFFICIAL USE SECTION 2 OF 2 USUN 5486

BEARING IN MIND THAT THE TRADE AND DEVELOPMENT BOARD OF THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT, AT ITS SIXTEENTH SESSION (FIRST PART), TOOK NOTE WITH APPRECIATION OF THE REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW,

1. TAKES NOTE WITH APPRECIATION OF THE REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS NINTH SESSION;
2. COMMENDS THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW FOR THE PROGRESS MADE IN ITS WORK AND FOR ITS EFFORTS TO ENHANCE THE EFFICIENCY OF ITS WORKING METHODS;
3. NOTES WITH SATISFACTION THE COMPLETION OF THE DRAFT CONVENTION ON THE CARRIAGE OF GOODS BY SEA, AND THE ADOPTION BY THE COMMISSION OF THE UNCITRAL ARBITRATION RULES;
4. FURTHER NOTES WITH SATISFACTION THAT A DRAFT CONVENTION ON THE INTERNATIONAL SALE OF GOODS HAS BEEN PREPARED BY A WORKING GROUP OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW AND THAT THIS

DRAFT CONVENTION HAS BEEN TRANSMITTED TO
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GOVERNMENTS AND INTERESTED INTERNATIONAL ORGANIZATIONS FOR
THEIR COMMENTS;

5. WELCOMES THE DECISION OF THE UNITED NATIONS COMMISSION
ON INTERNATIONAL TRADE LAW TO HOLD A SECOND INTERNATIONAL
SYMPOSIUM ON INTERNATIONAL TRADE LAW IN CONNEXION
WITH ITS TENTH SESSION IN 1978 AND, IN VIEW OF THE FACT THAT
THE SYMPOSIUM IS FINANCED BY VOLUNTARY CONTRIBUTIONS,
APPEALS TO GOVERNMENTS TO CONTRIBUTE TO THE COSTS OF THE
SYMPOSIUM;

6. RECOMMENDS THAT THE UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW SHOULD:
(A) CONTINUE ITS WORK ON THE TOPICS INCLUDED IN ITS PROGRAMME
OF WORK,

(B) CONTINUE ITS WORK ON TRAINING AND ASSISTANCE IN THE FIELD
OF INTERNATIONAL TRADE LAW, TAKING INTO ACCOUNT THE SPECIAL
INTERESTS OF THE DEVELOPING COUNTRIES;

(C) MAINTAIN CLOSE COLLABORATION WITH THE UNITED NATIONS
CONFERENCE ON TRADE AND DEVELOPMENT AND CONTINUE TO COLLABORATE
WITH INTERNATIONAL ORGANIZATIONS ACTIVE IN THE FIELD OF
INTERNATIONAL TRADE LAW;

(D) MAINTAIN LIAISON WITH THE COMMISSION ON
TRANSNATIONAL CORPORATIONS WITH REGARD TO THE CONSIDERATION
OF LEGAL PROBLEMS THAT WOULD BE SUSCEPTIBLE OF ACTION BY IT;

(E) CONTINUE TO GIVE SPECIAL CONSIDERATION TO THE INTERESTS
OF DEVELOPING COUNTRIES AND TO BEAR IN MIND THE SPECIAL
PROBLEMS OF LAND-LOCKED COUNTRIES;

(F) KEEP ITS PROGRAMME OF WORK AND WORKING METHODS UNDER
REVIEW WITH THE AIM OF FURTHER INCREASING THE EFFECTIVENESS
OF ITS WORK;

7. CALLS UPON THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW TO CONTINUE TO TAKE ACCOUNT OF THE RELEVANT
PROVISIONS OF THE RESOLUTIONS OF THE SIXTH AND SEVENTH
SPECIAL SESSIONS OF THE GENERAL ASSEMBLY THAT LAID DOWN THE
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FOUNDATIONS OF THE NEW INTERNATIONAL ECONOMIC ORDER,
BEARING IN MIND THE NEED FOR UNITED NATIONS ORGANS TO
PARTICIPATE IN THE IMPLEMENTATION OF THOSE RESOLUTIONS,

8. INVITES THE COMMISSION ON TRANSNATIONAL CORPORATIONS
TO IDENTIFY SPECIFIC LEGAL ISSUES IN ITS PROGRAMME OF WORK
THAT WOULD BE SUSCEPTIBLE TO ACTION BY THE UNITED NATIONS
COMMISSION ON INTERNATIONAL TRADELAW AND TO REFER SUCH
ISSUES TO THE UNITED NATIONS COMMISSION ON INTERNATIONAL
TRADE LAW FOR ITS CONSIDERATION,

9. WELCOMES THE DECISION OF THE COMMISSION TO REVIEW,
IN THE NEAR FUTURE,ITS LONG-TERM PROGRAMME AND, IN
THIS CONNEXION,

REQUESTS THE SECRETARY-GENERAL TO INVITE GOVERNMENTS TO SUBMIT
THEIR VIEWS AND SUGGESTIONS ON SUCH A PROGRAMME,

10. DECIDES THAT:

(A) THE TERM OF OFFICE OF THOSE MEMBERS OF THE
COMMISSION WHOSE TERM WOULD EXPIRE ON 31 DECEMBER 1976
IS EXTENDED TILL THE LAST DAY PRIOR TO THE
BEGINNING OF THE REGULAR ANNUAL SESSION OF THE COMMISSION
IN 1977,AND THE TERM OF OFFICE OF THOSEMEMBERS OF THE
COMMISSION WHOSE TERM WOULD EXPIRE ON 31 DECEMBER 1979
IS EXTENDED TILL THE LAST DAY PRIOR TO THE BEGINNING OF
THE REGULAR ANNUAL SESSION OF THE COMMISSION IN 1980;

(B) COMMENCING WITH THE ELECTIONS TO MEMBERSHIP OF THE
COMMISSION AT THE 31ST SESSION OF THE GENERAL ASSEMBLY,
ALL STATES ELECTED TO MEMBERSHIP SHALL TAKE OFFICE AT THE
BEGINNING OF THE FIRST DAY OF THE REGULAR ANNUAL SESSION
OF THE COMMISSION IMMEDIATELY FOLLOWING THEIR ELECTION,
AND THEIR TERMS OF OFFICE SHALL EXPIRE ON THE LAST DAY
PRIOR TO THE OPENING OF THE SEVENTH REGULAR ANNUAL SESSION
OF THE COMMISSION FOLLOWING THEIR ELECTION; AND

(C) GOVERNMENTS OF STATES THAT ARE NOT MEMBERS OF THE
COMMISSION ARE ENTITLED, WHERE THEY SO REQUEST,TO ATTEND THE
SESSIONS OF THE COMMISSION AND ITS WORKING GROUPS AS
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OBSERVERS.

11. REQUESTS THE SECRETARY-GENERAL TO FORWARD TO THE UNITED
NATIONS COMMISSION ON INTERNATIONAL TRADE LAW THE RECORDS
OF THE DISCUSSIONS AT THE THIRTY-FIRST SESSION OF THE
GENERAL ASSEMBLY ON THE COMMISSION'S REPORT ON THE WORK OF
ITS NINTH SESSION.

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